

INTERNATIONAL CITY MANAGERS' ASSOCIATION  
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## THE PREPARATION AND USE OF ADMINISTRATIVE CODES

What is the purpose of an administrative code, how should it be prepared, and what does it generally contain?

Purpose of the Code. In addition to the state laws and city charter under which a city operates there are certain other written documents which relate to the internal organization and practice of the municipal government and may be referred to as administrative codes, manuals, and regulations, while those that affect citizens may be called ordinance rules and regulations. The administrative code brings together some material which may already be contained in statutory law or city charter. The code, however, goes into more detail than does the charter in outlining the major structure of administrative organization, in establishing departments and offices, in listing the functions of the departments, and in specifying the duties and responsibilities of chief officials. The preparation of an administrative code therefore represents an opportunity and an obligation to provide an administrative organization that will be adequate, workable, and reasonably enduring.

The adoption of an administrative code enables the council not only to create departments but also to abolish them. Therefore, before the code is prepared, certain major basic decisions must be made, such as whether certain inspectional services are to be consolidated, whether fire and police departments are to be consolidated into a department of public safety, whether the municipal hospital should be a part of the health department or independent, and so on. In other words, the preparation of an administrative code makes possible the establishment of a sound working organization. Except for limitations in state laws, or in the city charter, the council by means of an administrative code may change, abolish, combine, or rearrange departments and offices.

The administrative code should be distinguished from regulations and manuals. A code grants authority to the manager and department heads to put into effect certain functions without further formal referral to the council. Thus, in putting the merit system into effect, the personnel rules, after adoption by the council, may be supplemented with regulations on hours of work, sick leave, etc., which would not require specific approval of the council. Likewise, the chief administrator would issue regulations or manuals on purchasing and budget procedures, on in-service training, use of city-owned motor equipment, methods of reporting accidents involving city employees and property, etc.

Preparing the Code. The starting point is the city charter because it may provide a portion of the administrative organization which of course must be accepted. The remainder of the organization plan should be determined by the chief administrator on the basis of services performed by the city, qualifications of top administrative personnel, and the best principles of organization. Closely related activities requiring similar administrative techniques should be brought together, administrative responsibility centralized, and the departments limited in number (see Chapter 3 of "Technique of Municipal Administration." International City Managers' Association, 1947). Whenever possible, administrative boards and commissions should be eliminated and their functions transferred to departments

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headed by directors appointed by the chief administrator. Boards that are retained should be given advisory status (see MIS Report No. 38 for June, 1947).

The administrative code should be prepared by or under the direction of the city manager for adoption by the council as an ordinance. The tentative draft should be reviewed by the city attorney for form and legality. Legalistic forms should be avoided; simplicity, clearness, and conciseness should be stressed. Some thought should be given to the method of publication so as to make easy the amendment of various sections.

Content of the Code. The codes in effect vary considerably in content. They are alike, however, in that they name the departments and divisions created, specify their functions, and outline the duties and responsibilities of the chief officers. But several codes outline financial procedures. The code of one city, for example, sets forth the method of selecting depositories for city funds and the procedure in awarding contracts. Another code contains a long section on the retirement plan. Standards on such matters may well be included in the code but details should preferably be covered in administrative regulations.

The suggested outline for a code set forth below is based in part on an analysis of the codes of several cities and in part on a reorganization plan prepared by Public Administration Service for a large governmental agency. Among the best city administrative codes in effect is the Cincinnati code, which was first adopted in 1928 and revised in 1945, and is available on request to the city clerk. Another is the administrative code of Saginaw, Michigan, published in 1938 in loose-leaf form so that amendments can be readily inserted; this code is available from the city clerk at fifty cents. Copies of these two codes would be useful in drafting an administrative code for a given city.

#### Suggested Outline for an Administrative Code

Sec. 1. The Chief Administrator (use title city manager or mayor, whichever applies.) Specify that the chief administrator shall supervise the heads of all departments established by the code, and have power to appoint, suspend, remove, or discipline such heads, except as otherwise provided in the charter; authorize administrator to designate some other officer or employee to perform duties of any office or position whenever vacant or whenever incumbent is unable to carry on duties; authorize appointment of administrative assistants; authorize administrator to prescribe rules and regulations for the conduct of the various departments; authorize him to investigate and inquire into the affairs of any department; require him to assemble estimates of financial needs and work program and embody it in a budget to submit to the council; and require him to submit monthly financial reports to the council and at other times as requested.

Sec. 2. Administrative Departments Specified. List titles of departments which are created and established by the code.

Sec. 3. Heads of Departments. List titles of administrative officers of each of the departments created by the code.

Sec. 4. Powers and Duties of Heads of Departments. Specify that all power and duties conferred by law and required to be performed by the several agencies at the time of the adoption of the code shall hereafter be performed and administered by the heads of the departments specified in the code; authorize department heads to assign functions to subordinate officers, and with the approval of the chief administrator to establish such divisions or units as may seem desirable in the interest of economy and efficiency and in accord with sound administrative principles and practices; authorize the head of each department to prescribe regulations not inconsistent with law or charter or rules established by



the administrator for the administration of his department, conduct of its employees, and performance of its business in the custody, use, and preservation of records, documents, and property.

Sec. 5. Selection, Qualifications, Compensation, and Terms of Office of Heads of Departments. Specify that heads of departments shall be appointed by the chief administrator for indefinite terms on the basis of their merit and fitness to perform their duties and that they shall serve at the pleasure of the administrator; that they shall receive compensation as may be recommended by the chief administrator and fixed by the council.

Sec. 6. Boards and Commissions. List the names of boards and commissions which are created, continued, or established by the code, specifying in each case the number of members and their term of office.

Sec. 7. Powers and Duties of Boards and Commissions. Specify that it shall be the duty of the boards to formulate general policies and advise the chief administrator and the head of the department, to conduct public hearings, and to perform any quasi-judicial functions as may be required by law or necessitated by the operations of the department; that each board shall elect a chairman annually; that the head of a department (or other person) shall serve as secretary to the board, etc.

Sec. 8. Appointment, Qualifications, Compensation, and Terms of Office of Members of Boards and Commissions. Specify which are to be appointed by the administrator and which by the mayor or council; set up general qualifications; indicate method of making initial appointments for overlapping terms, and method of filling vacancies; specify what compensation (if any) is to be given; that they are to be reimbursed for necessary expenses incurred in connection with their work as board members.

Sec. 9. Department Staffs. Authorize department heads to establish subordinate positions as may be necessary and make appointments and removals within the limitations of the appropriations provided and subject to the provisions of the personnel ordinance and the approval of the chief administrator; specify that all appointees shall be under the supervision and direction of the heads of the respective departments; that all employees in the classified service shall be compensated on the basis of the uniform pay plan.

Sec. 10. Department of Finance. Specify the various divisions of the department and the title of the official at the head of each division; that the heads of the divisions shall be appointed by the finance director and serve under his supervision and direction; specify in detail the duties, powers, and responsibilities of each division of the department.

Secs. 11-20. (Note: For each department named in Section 2 above include in the code a section outlining similar information as indicated for the finance department.

Sec. 21. Transfer of Functions, Records, and Employees. Specify that any department to which the functions and duties of any previously existing agency are by this code assigned and transferred shall be deemed to constitute a continuation of the former department or agency as to matters within the jurisdiction of the former agency; that all contracts, records, and property acquired or used by the previous agency shall be transferred to the department taking over the functions of the agency; that all officers and employees whose functions are transferred by the code shall also be transferred; that the head of the new department, subject to the provisions of the personnel ordinance and approval of



the chief administrator, shall have the power to abolish unnecessary offices and positions, transfer officers and employees, change duties, titles, and so on.

Sec. 22. Administrative Control. Specify that administrator may set aside any action taken by department heads; that department heads are to keep informed of best practices in their field and recommend improvements to the manager; that department heads are to make monthly and annual reports to the manager and to establish a system of records necessary to furnish information needed for proper control and as a basis for reports; that department heads are responsible for preserving all public records, none of which can be removed permanently or destroyed without the knowledge or approval of the chief administrator; that a department on approval or request of the chief administrator shall provide to any other department such service, labor, and materials as may be needed by another department and as its own facilities will permit.

Sec. 23. Approval of Legal Documents. Specify that the mayor is to sign, the city clerk to attest to, the city manager to approve as to substance, and the city attorney to approve as to form, all legal instruments requiring the assent of the city unless otherwise provided by law or charter or ordinance.

Sec. 24. Surety Bonds. Require department heads and subordinate officers to furnish surety bonds in amounts as required by law or otherwise determined by the chief administrator, the premiums on such bonds to be paid by the city.

Sec. 25. Agencies and Offices Abolished. List titles of agencies and offices that are abolished.

(Note: Additional sections will contain the usual provisions providing for the repeal of any ordinances or parts of ordinances in conflict with the code, a separability clause, and effective date of the code.)